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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/082,740	02/22/2002	Charles S. Musso JR.	21524/1100	21524/1100 4722		
7590 01/24/2005		EXAM	EXAMINER			
George R. Mo	:Guire	KRAMER	KRAMER, DEAN J			
Bond, Schoene	ck & King, PLLC					
One Lincoln Co		ART UNIT	PAPER NUMBER			
Syracuse, NY 13202			3652	3652		
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Application No. Applicant(s) V MUSSO ET AL.					T					
Examiner			Application	on No.	Applicant(s)	7				
Dean J. Framer 3652 Period for Repty 3652 A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(s) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(s) FROM THE MAILING DATE OF THIS COMMUNICATION. - Edensions of line may be available under the provisions of 37 CPT 1.13(a). In no event, however, may a repty be linely filled after 50 (% MONTHS from the mailing date of this communication. - If the period for repty appelled above is less than thinky (3) days, a reply within the state, counting the state of the period of the period for repty applied the state of the period to become ABANDONED 35 U.S. C. § 133. Aviragly reserved by the Office liter than these months after the mailing date of this communication, even if timely filled, may reduce any counting plant the application of the period of the communication of the period of the period of the communication of the period of the communication of the period of the communication of the period of	Office Action Summa		10/082,74	40	MUSSO ET AL.	•				
- The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Botherions of time map be available used the previous of 37 CFR 1.13(6). In one word, however, may a raply be limely filed the series of time map be available used to the previous of 37 CFR 1.13(6). In one word, however, may a raply be limely filed of the period for reply appelled before the manufacture port of will gap and will apple 24 (6) MONTH'S from the mailing date of this communication. - Films by reply within the actor extended period for reply will, by statistic, correct the replication to become ABANDOXED (35 U.S.C. § 139). - Films by reply within the actor extended period for reply will, by statistic, correct the replication to become ABANDOXED (35 U.S.C. § 139). - Films by reply within the actor extended period for reply will, by statistic, owners the application to become ABANDOXED (35 U.S.C. § 139). - Films by reply within the actor extended period for reply will, by statistic, owners the application to become ABANDOXED (35 U.S.C. § 139). - Films by reply within the actor extended period for reply with the statistic to restrict the results of the actor extended period for reply within the application. - Films by reply within the actor extended period for reply within the application is non-final. - Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x parte Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - A) Claim(s) 1-22 is/are pending in the application. - A) Claim(s) 1-22 is/are allowed. - Claim(s) 1-22 is/are allowed. - Claim(s) 1-27-13 and 18-22 is/are rejected. - Claim(s) 3-27-13 and 18-22 is/are rejected. - Claim(s) 3-27-13 and 18-22 is/are rejected. - Claim(s) 3-27-13 and 18-22 is/are rejected. - Claim(s) 3-37-13 and 18-22 is/			Examine		Art Unit					
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1) Responsive to communication(s) filed on \$\textit{92 December 2004}\$. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under \$Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) \$\frac{1.22}{2!}\$ is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) and 14-17 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a), Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * O None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cled (PTO-882) 2) Notice of Ontalepsenson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB08) 6) Notice of Informail Patent Application (PTO-152) 6) Other:	-	THE MAILING DATE OF THIS COMMUN Extensions of time may be available under the provisions after SIX (6) MONTHS from the mailing date of this comm (if the period for reply specified above is less than thirty (3 If NO period for reply is specified above, the maximum stown Failure to reply within the set or extended period for reply Any reply received by the Office later than three months a	ICATION. s of 37 CFR 1.136(a). In no even nunication. liu of 37 CFR 1.13	ent, however, may a reply be tinutory minimum of thirty (30) day ill expire SIX (6) MONTHS from lication to become ABANDONE	nely filed rs will be considered timely. the mailing date of this commodities. (35 U.S.C. § 133).	munication.				
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12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 1. Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date	11									
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DETAILED ACTION

The amendment filed 12/9/04 and the remarks presented therewith have been carefully considered. However, they are not deemed to be fully persuasive.

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- 3. Claims 1, 2, 7-13, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glew in view of Hollinrake et al..

Glew shows an embodiment of a conveyor assembly in Figures 6 and 7 comprising two longitudinal supports (34,35), a substantially planar support plate (59), floor sections (50) slidably attached to each support (34,35) to selectively reveal an

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opening in alignment with a conveyor (18), and slanted members (55) directed downwardly toward the conveyor. While Glew broadly discloses its conveyor assembly as being usable with "commercial trucks", he does not specifically mention pivotally mounted dump trucks as is called for in claims 1 and 12 of the instant application. Also, Glew uses planar members (55) rather than curved members for directing material towards its conveyor.

However, the patent to Hollinrake et al. shows a dump truck body having a conveyor substantially similar to Glew's assembly, but the Hollinrake et al. body is pivotally mounted to a frame (see Fig. 9). Further, the Hollinrake et al. patent shows it is old and well known to provide *curved* lower corners on dump truck bodies (see Fig. 7) to direct flowable material towards the conveyor.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Glew conveyor assembly on a pivotable dump truck frame as taught by Hollinrake et al. to create a means of quickly dumping a large quantity of material at selected sites. The resulting body would be structurally stable since it would still have transverse support members (see members 19-21 in the Glew patent), but these support members would not be directly attached to the longitudinal support members (34,35). Also, it would have been obvious to at least partially curve the member (55) of the Glew assembly similar to that shown in Figure 7 of the Hollinrake et al. patent such that the concave shape of the resulting members would increase the space within the truck body.

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Allowable Subject Matter

4. Claims 3-6 and 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean J. Kramer whose telephone number is (703) 308-2181. The examiner can normally be reached on Mon., Tues., Thurs., Fri. (7:00-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dean J. Kramer Primary Examiner

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djk 01/18/05